

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TOURISTIC ENTERPRISES CO.,

Plaintiff,

v.

ROUSTAN UNITED, LLC,

Defendant.

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Civil Action No. 09-2732 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court upon the motion by Touristic Enterprises Co. (“Plaintiff”) for default judgment as to Defendant Roustan United, LLC (“Defendant”),¹ which the Court granted [docket entry 35], and declined to vacate [docket entry 48]. In the Court’s Order of August 11, 2010, granting default judgment against Defendant, the Court directed that the amount of damages would be determined at a proof hearing before Magistrate Judge Shipp, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Shipp held a proof hearing on May 11, 2011, and requested submissions from the parties. On January 27, 2012, Magistrate Judge Shipp issued a Report and Recommendation (“R&R”), pursuant to FED. R. CIV. P. 72(b), L. CIV. R. 72.1(a)(2), and 28 U.S.C. § 636(b)(1)(B) [docket entry 53]. The R&R recommends that the Court award Plaintiff a judgment in the amount of \$482,419.14. This judgment encompasses Magistrate Judge Shipp’s recommendation that the Court deny the request for prejudgment interest and grant the request for post-judgment interest.

¹Originally, Trane Inc. (“Trane”) was also a Defendant in this action, however, Plaintiff settled with Trane and the Court entered a Stipulation of Dismissal on June 28, 2010.

Title 28 U.S.C. § 636(b)(1)(C) provides that within ten days of service of the magistrate judge's recommended disposition, any party to the action may file specific written objections to the magistrate judge's proposed findings and recommendations. The statute also provides that a district judge must conduct a de novo review of those portions of the magistrate judge's R&R to which objection is made. The time for filing objections to Magistrate Judge Shipp's R&R expired on February 10, 2012. To date, no objections have been filed.

This Court has reviewed the January 27, 2012 R&R under the appropriate standards, and it agrees with Magistrate Judge Shipp's analysis and conclusion. Therefore, the January 27, 2012 R&R is hereby adopted as the Opinion of the Court. The Court will enter default judgment in favor of Plaintiff in the amount of \$482,419.14, plus post-judgment interest. An appropriate Judgment shall be entered.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: February 15, 2012